

ORIGINAL

Decision No. 9740.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

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In the matter of the application  
of The Western Pacific Railroad  
Company for permission to construct  
a spur track at grade across Lincoln  
Avenue and Northrup Avenue, near San  
Jose, County of Santa Clara, State of  
California.

Application No. 7310.

By The Commission:

ORDER

The Western Pacific Railroad Company, a corporation, having on November 2, 1921, filed with the Commission an application for permission to construct a spur track at grade across Lincoln Avenue and Northrup Avenue in County of Santa Clara, State of California, as hereinafter indicated, and it appearing to the Commission that this is not a case in which a public hearing is necessary; that the necessary franchise or permit has been granted by the Board of Supervisors of said county for the construction of said crossings at grade, and it further appearing that it is not reasonable nor practicable to avoid grade crossings with said Lincoln Avenue and Northrup Avenue, and that this application should be granted subject to the conditions hereinafter specified,

IT IS HEREBY ORDERED, that permission be hereby granted The Western Pacific Railroad Company to construct a spur track at grade across Lincoln Avenue and Northrup Avenue, County of Santa Clara, State of California, described as follows:

A spur track extending westerly from the branch line of The Western Pacific Railroad Company as said branch is constructed in or near the westerly part of the City of San Jose, the center line of said spur track being more fully described as follows to-wit:

Beginning at the switch point on the center line of the said branch line of The Western Pacific Railroad Company, said beginning point being 700 feet, more or less, southeasterly along said center line from the southerly line of Savaker Avenue; thence diverging from said branch line to the left in a northwesterly direction to a point in the easterly line of Lincoln Avenue about 160 feet southerly from the southerly line of Savaker Avenue; thence crossing Lincoln Avenue in a straight line northwesterly to a point in the westerly line of Lincoln Avenue about 175 feet northerly from the northerly line of Moorpark Avenue; thence northwesterly along the same straight line to a point in the easterly line of Northrup Avenue about 160 feet northerly from the northerly line of Moorpark Avenue; thence along the same straight line northwesterly across Northrup Avenue about 170 feet northerly from the northerly line of Moorpark Avenue; thence northwesterly and westerly through the property of the Hershel California Fruit Products Company a distance of 230 feet, more or less to a curve to the left; thence on a curve to the left until adjacent to and parallel with the southeasterly line of the main building of the said Hershel Company; thence continuing parallel to said building to a point on the northerly line of Moorpark Avenue, approximately 1645 feet from the place of beginning.

all of the above as shown by the map attached to the application, said crossings to be constructed subject to the following conditions, viz:

(1) The entire expense of constructing the crossings, together with the cost of their maintenance thereafter in good and first-class condition for the safe and convenient use of the public shall be borne by applicant.

(2) Said crossings shall be constructed of a width and type of construction to conform to those portions of Lincoln Avenue and Northrup Avenue now graded, with grades of approach not exceeding three (3) per cent; shall be protected by a suitable crossing sign at each crossing and shall in every way be made safe for the passage thereover of vehicles and other road traffic.

(3) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said crossings.

(4) The authorization herein granted for the installation of said crossings shall lapse and become void one year from the date of this order unless further time is granted by subsequent order.

(5) The Commission reserves the right to make such further orders relative to the location, construction, operation, maintenance and protection of said crossings as to it may seem right and proper, and to revoke its permission, if in its judgment, the public convenience and necessity demand such action.

Dated at San Francisco, California, this 10<sup>th</sup> day of November, 1921.

H. B. Brundage  
During Matter  
J. J. Benedict  
Commissioners.